

Attorney Docket No. 166282SSUS02U

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION FILED
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
(3 sheets)

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR AUTOMATED NEGOTIATION
FOR RESOURCES ON A SWITCHED UNDERLAY NETWORK**

The application of which: (Check applicable choice)

- A. ☒ Is attached hereto.
 B. ☐ Was filed on _____ as U.S. Application No. _____
 C. ☐ was filed as PCT International Application No. PCT/_____ on _____
 and (if applicable to U.S. or PCT application) was amended on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. §1.119(a-d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority is claimed, before the filing date of this application.

PRIOR FOREIGN APPLICATION(S)

| <u>Number</u> | <u>Country</u> | <u>Day/Month/Year Filed</u> | <u>Date First Laid Open or Published</u> | <u>Date Patented or Granted</u> | <u>Priority NOT Claimed</u> |
|---------------|----------------|---------------------------------|--|-------------------------------------|---------------------------------|
| | | | | | |

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. §119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT International applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of each such prior application and the national or PCT International filing date of this application:

PRIOR US PROVISIONAL, NON-PROVISIONAL, AND/OR PCT APPLICATIONS(S)

| <u>Application No.</u> | <u>Day/Month/Year Filed</u> | <u>Status (Pending, Abandoned, or Patented)</u> | <u>Priority NOT Claimed</u> |
|------------------------|---------------------------------|---|-----------------------------|
| 60/508,522 | October 3, 2003 | Pending | |
| 10/719,225 | November 21, 2003 | Pending | |

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POWER OF ATTORNEY OR AUTHORIZATION OF AN AGENT

And I hereby appoint the practitioners associated with Customer Number 34645, and as listed below as my/our attorney(s) or agents to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

John C. Gorecki

Reg. No. 38,471

CHANGE OF CORRESPONDENCE ADDRESS

Please change the correspondence address for the above-identified application to the address associated with Customer Number 34645:

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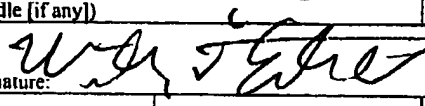
Phone: (617) 796-9024

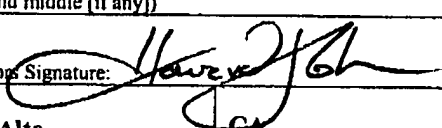
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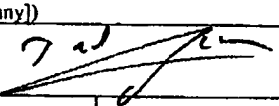
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|--|-------------|---|--------------------|
| NAME OF INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given name: (first and middle [if any]) | Steve | Family Name Or Surname | Merril |
| Inventors Signature:  | | Date: 3/29/2004 | |
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| NAME OF INVENTOR: | | ___ A petition has been filed for this unsigned inventor | |
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| | | | |
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| Inventors Signature:  | | Date: 3/29/04 | |
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